

Henry B. Shaffer, Sr.
PO Box 1236
Aiken, South Carolina 29802-1236
803-649-5600

Received & Inspected

JUN 17 2008

FCC Mail Room

EXHIBIT FILE COPY ORIGINAL

June 12, 2008

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Attention Audio Division

Ms. Dortch:

RE: PETITION FOR RULEMAKING IN WILLISTON, SC, FILE NUMBER 20080612AAE, FAC ID 177833.

PETITION FOR RULEMAKING

Please find enclosed an original and four copies plus a Stamp & Return copy of a Petition for Rulemaking.

The instant Petition has been filed concurrently with a Form 301 application and assigned file number 20080612AAE.

Sincerely,



Henry B. Shaffer, Sr.
Petitioner

No. of Originals 044
List A B C D E
MB 08-28

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

Received & Inspected

JUN 17 2008

FCC Mail Room

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Williston, South Carolina

)
)
)
)
)
)

MB Docket No. _____
RM- _____

To: Office of the Secretary
Attn: Chief, Audio Division
Media Bureau

PETITION FOR RULEMAKING

Henry B. Shaffer, pursuant to §1.401 hereby submits this Petition for Rulemaking which proposes to allocate a new channel 260A to Williston, South Carolina.

The Commission has previously determined that Williston, South Carolina, was a bona fide community due to licensed station WAAW, facility ID 4094, being already assigned to the community. Williston is deserving of a second local service station as the proposed channel will provide additional diversity and an outlet for local residents. Therefore, the proposal is in the public interest.

Channel 260A can be allotted to Williston at reference coordinates 33°-23'-34" N x 81°-23'-21" W consistent with §73.207 of Commission Rules with respect to all existing and proposed allotments and facilities. A technical showing has been included confirming the channel can be allotted to Williston consistent with the Commission's separation requirements.

Petitioner has concurrently filed FCC Form 301 for the requested channel. Should the Commission authorize channel 260A at Williston, South Carolina, Petitioner will participate in the auction process, and if successful in obtaining a construction permit, will promptly construct and operate the proposed station.

No. 0100177000
User ABODE

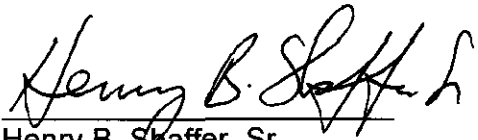
Shaffer requests that the following channel be allocated:

Community
Williston

Channel
260A

The proposed channel 260A will provide a second local service to the community of Williston, thereby advancing the Commission's goals of serving the public interest, convenience, and necessity.

Respectfully Submitted,

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Henry B. Shaffer, Sr.

PO Box 1236

Aiken, South Carolina 29802-1236

803-649-5600

As shown in Table 1 the proposal is fully spaced to all existing and proposed stations. Exhibit 1 is a map demonstrating that the 70 dBu contour completely encompasses the city of license; the contour complies with §73.315(a) of the Rules.

Table 1

channel 260 (99.9 MHz Class A) at 33-23-34.0 N, 81-23-21.0 W.

CALL	CITY	ST CHN CL	DIST(km)	SEP(km)	BRNG(deg)	CLEARANCE(km)
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Channel 260A 70 dBu Contour Coverage of Williston, South Carolina

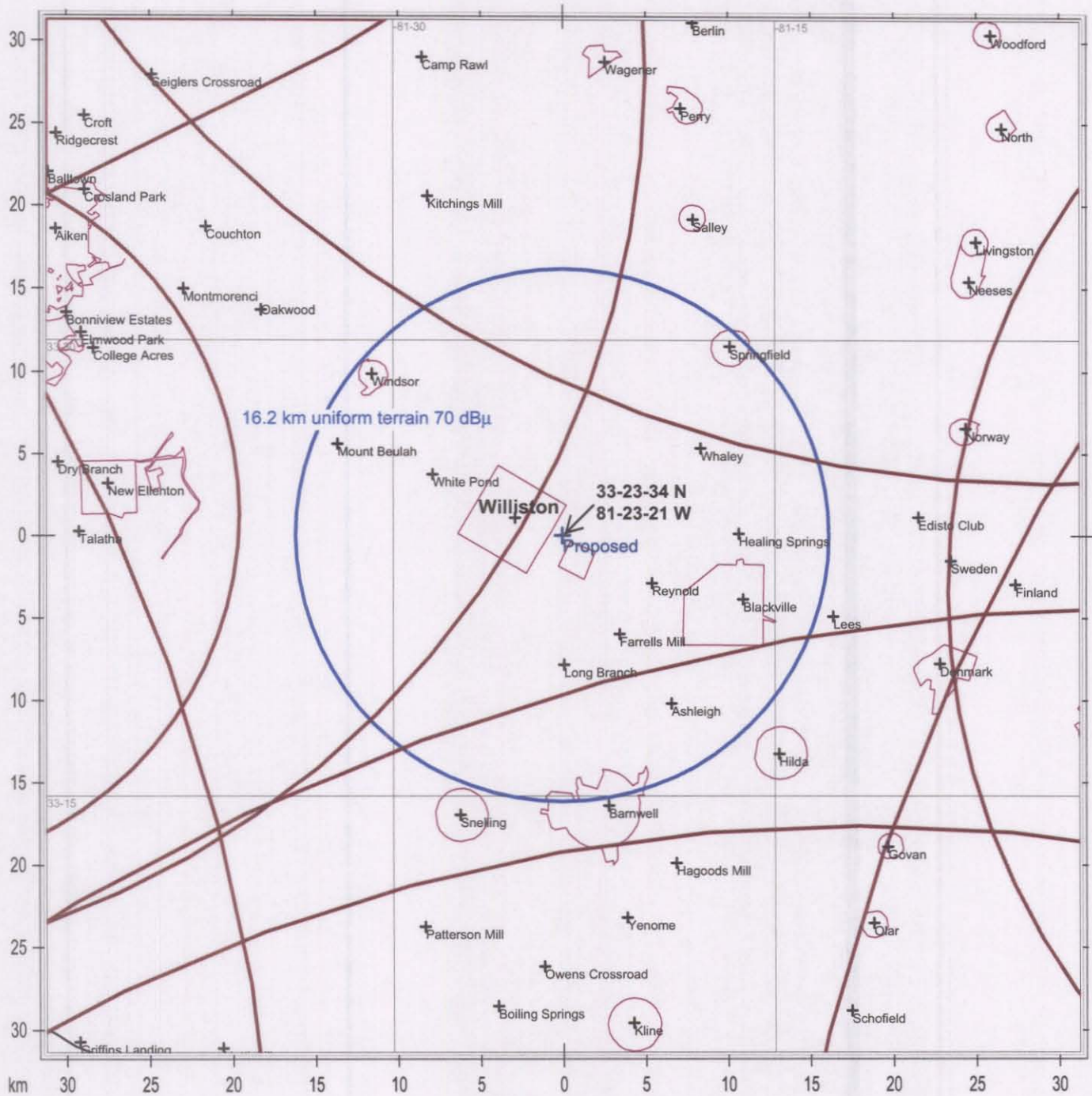


Exhibit 1
Henry B. Shaffer, Sr.
City-Grade Contour Coverage
Williston, South Carolina

State Borders City Borders Lat/Lon Grid

Map Scale: 1:347716 1 cm = 3.48 km V/H Size: 62.65 x 62.44 km

© MMVIII Sterling Communications, Inc.

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0027 (January 2008)	FOR FCC USE ONLY
FCC 301		FOR COMMISSION USE ONLY FILE NO. - 20080612AAE
APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION		
Read INSTRUCTIONS Before Filling Out Form		

Section I - General Information

1.	Legal Name of the Applicant HENRY B. SHAFFER, JR.		
	Mailing Address PO BOX 1236		
	City AIKEN	State or Country (if foreign address) SC	ZIP Code 29802 - 1236
	Telephone Number (include area code) 8036495600		E-Mail Address (if available) HENRYSHAFFER@UPCOG.ORG
	FCC Registration Number: 0010774503	Call Sign	Facility ID Number 177833
2.	Contact Representative (if other than Applicant) JAMES E. PRICE, III		Firm or Company Name STERLING COMMUNICATIONS, INC.
	Mailing Address 219 DODD ROAD		
	City RINGGOLD	State or Country (if foreign address) GA	ZIP Code 30736 - 2958
	Telephone Number (include area code) 7069652355		E-Mail Address (if available) STERLING@CATT.COM
3.	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input type="radio"/> Other <input checked="" type="radio"/> N/A (Fee Required)		
4.	Application Purpose <input type="radio"/> New station <input type="radio"/> Major Modification of construction permit <input type="radio"/> Minor Modification of construction permit <input type="radio"/> Major Amendment to pending application <input checked="" type="radio"/> New Station with Petition for Rulemaking or Counterproposal to Amend FM Table of Allotments <input type="radio"/> Major Change in licensed facility <input type="radio"/> Minor Change in licensed facility <input type="radio"/> Minor Amendment to pending application <input type="checkbox"/> NA (a) File number of original construction permit: (b) Service Type: <input type="radio"/> AM <input checked="" type="radio"/> FM <input type="radio"/> TV <input type="radio"/> DTV (c) DTV Type: <input type="radio"/> Pre-Transition <input type="radio"/> Post-Transition <input type="radio"/> Both (d) Community of License: City: WILLISTON (e) Facility Type: <input checked="" type="radio"/> Main <input type="radio"/> Auxiliary State: SC		
	If an amendment, submit as an Exhibit a listing by Section and Question Number the portions of the pending		[Exhibit 1]

application that are being revised.

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

Section II - Legal

1.	Certification. Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.	<input checked="" type="radio"/> Yes <input type="radio"/> No										
2.	Parties to the Application. a. List the applicant, and, if other than a natural person, its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the applicant, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach additional pages if necessary.											
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>(1) Name and address of the applicant and each party to the application holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners.</p> </div> <div style="width: 48%;"> <p>(2) Citizenship.</p> <p>(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's equity/debt plus standard, etc.</p> <p>(4) Percentage of votes.</p> <p>(5) Percentage of total assets (equity plus debt).</p> </div> </div> <p>[Enter Parties/Owners Information]</p> <div style="text-align: center; margin: 10px 0;"> Parties to the Application </div> <p>List the applicant, and, if other than a natural person, its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the applicant, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach additional pages if necessary.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>(1) Name and address of the applicant and each party to the application holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners.</p> </div> <div style="width: 48%;"> <p>(2) Citizenship.</p> <p>(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's equity/debt plus standard, etc.</p> <p>(4) Percentage of votes.</p> <p>(5) Percentage of total assets (equity plus debt).</p> </div> </div> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 40%;">(1) Name and Address</th> <th style="width: 10%;">(2) Citizenship</th> <th style="width: 20%;">(3) Positional Interest</th> <th style="width: 15%;">(4) Percentage of Votes</th> <th style="width: 15%;">(5) Percentage of Assets</th> </tr> </thead> <tbody> <tr> <td>HENRY B. SHAFFER, SR.</td> <td>US</td> <td>INDIVIDUAL APPLICANT</td> <td>100</td> <td>100</td> </tr> </tbody> </table>			(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets	HENRY B. SHAFFER, SR.	US	INDIVIDUAL APPLICANT	100	100
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HENRY B. SHAFFER, SR.	US	INDIVIDUAL APPLICANT	100	100								
b. Applicant certifies that equity and financial interests not set forth above are non-												

	attributable.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 2]
3.	Other Authorizations. List call signs, locations, and facility identifiers of all other broadcast stations in which applicant or any party to the application has an attributable interest.	<input checked="" type="radio"/> N/A [Exhibit 3]
4.	Multiple Ownership. a. Is the applicant or any party to the application the holder of an attributable radio joint sales agreement or an attributable radio or television time brokerage agreement in the same market as the station subject to this application? If "YES," radio applicants must submit as an Exhibit a copy of each such agreement for radio stations. b. Applicant certifies that the proposed facility complies with the Commission's multiple ownership rules and cross-ownership rules. Radio applicants only: If "Yes," submit an Exhibit providing information regarding the market, broadcast station(s), and other information necessary to demonstrate compliance with 47 C.F.R. § 73.3555(a). All Applicants: If "No," submit as an Exhibit a detailed explanation in support of an exemption from, or waiver of, 47 C.F.R. § 73.3555. c. Applicant certifies that the proposed facility: <ol style="list-style-type: none"> 1. does not present an issue under the Commission's policies relating to media interests of immediate family members; 2. complies with the Commission's policies relating to future ownership interests; and 3. complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors. 	<input type="radio"/> Yes <input type="radio"/> No [Exhibit 4] <input checked="" type="radio"/> Yes <input type="radio"/> No [Exhibit 5] <input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 6]
5.	Character Issues. Applicant certifies that neither applicant nor any party to the application has or has had any interest in or connection with: <ol style="list-style-type: none"> a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or b. any pending broadcast application in which character issues have been raised. 	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 7]
6.	Adverse Findings. Applicant certifies that, with respect to the applicant and any party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another government unit; or discrimination.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 8]
7.	Alien Ownership and Control. Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 9]
8.	Program Service Certification. Applicant certifies that it is cognizant of and will comply with its obligations as a commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.	<input checked="" type="radio"/> Yes <input type="radio"/> No
9.	Local Public Notice. Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.	<input checked="" type="radio"/> Yes <input type="radio"/> No
10.	Auction Authorization. If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A

	An exhibit is required unless this question is inapplicable.	[Exhibit 10]
11.	Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No
12.	Equal Employment Opportunity (EEO). If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report on FCC Form 396-A.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
13.	Petition for Rulemaking/Counterproposal to Add New FM Channel to FM Table of Allotments. If the application is being submitted concurrently with a Petition for Rulemaking or Counterproposal to Amend the FM Table of Allotments (47 C.F.R. section 73.202) to add a new FM channel allotment, petitioner/counter-proponent certifies that, if the FM channel allotment requested is allotted, petitioner/counter-proponent will apply to participate in the auction of the channel allotment requested and specified in this application.	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing HENRY B. SHAFFER, SR.	Typed or Printed Title of Person Signing INDIVIDUAL
Signature	Date 6/12/2008

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Section III-B - FM Engineering	
TECHNICAL SPECIFICATIONS	
Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.	
TECH BOX	
1.	Channel Number: 260
2.	Class (select one): <input checked="" type="radio"/> A <input type="radio"/> B1 <input type="radio"/> B <input type="radio"/> C3 <input type="radio"/> C2 <input type="radio"/> C1 <input type="radio"/> C0 <input type="radio"/> C <input type="radio"/> D
3.	Antenna Location Coordinates: (NAD 27) Latitude: Degrees 33 Minutes 23 Seconds 34 <input checked="" type="radio"/> North <input type="radio"/> South Longitude: Degrees 81 Minutes 23 Seconds 21 <input checked="" type="radio"/> West <input type="radio"/> East
4.	Proposed Allotment or Assignment Coordinates: (NAD 27) <input type="checkbox"/> Not Applicable Latitude: Degrees 33 Minutes 23 Seconds 34 <input checked="" type="radio"/> North <input type="radio"/> South Longitude:

Degrees 81 Minutes 23 Seconds 21 <input checked="" type="radio"/> West <input type="radio"/> East											
5. Antenna Structure Registration Number: 1024451 <input type="checkbox"/> Not Applicable <input type="checkbox"/> Notification filed with FAA											
6. Overall Tower Height Above Ground Level:										152meters	
7. Height of Radiation Center Above Mean Sea Level:										184 meters(H)	184 meters(V)
8. Height of Radiation Center Above Ground Level:										85meters(H)	85meters(V)
9. Height of Radiation Center Above Average Terrain:										100meters(H)	100meters(V)
10. Effective Radiated Power:										6 kW(H)	6 kW(V)
11. Maximum Effective Radiated Power: <input checked="" type="checkbox"/> Not Applicable (Beam-Tilt Antenna ONLY)										kW(H)	kW(V)
12. Directional Antenna Relative Field Values: <input checked="" type="checkbox"/> Not applicable (Nondirectional) Rotation (Degrees): <input type="checkbox"/> No Rotation											
Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value
0		10		20		30		40		50	
60		70		80		90		100		110	
120		130		140		150		160		170	
180		190		200		210		220		230	
240		250		260		270		280		290	
300		310		320		330		340		350	
Additional Azimuths											

Relative Field Polar Plot

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

CERTIFICATION

AUXILIARY ANTENNA APPLICANTS ARE NOT REQUIRED TO RESPOND TO ITEMS 13-16. PROCEED TO ITEM 17.

13. Availability of Channels. The proposed facility complies with the allotment requirements of 47 C.F.R. Section 73.203.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 23]
14. Community Coverage. The proposed facility complies with 47 C.F.R. Section 73.315.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 24]
15. Main Studio Location. The proposed main studio location complies with 47 C.F.R. Section 73.1125.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 25]
16. Interference. The proposed facility complies with all of the following applicable rule sections: Check all those that apply:	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 26]

Separation Requirements. <input checked="" type="checkbox"/> a) 47 C.F.R. Section 73.207 Grandfathered Short-Spaced. <input type="checkbox"/> b) 47 C.F.R. Section 73.213(a) with respect to station(s): [Exhibit 27] Exhibit required <input type="checkbox"/> c) 47 C.F.R. Section 73.213(b) with respect to station(s): [Exhibit 28] Exhibit required <input type="checkbox"/> d) 47 C.F.R. Section 73.213(c) with respect to station(s): [Exhibit 29] Exhibit required. Contour Protection <input type="checkbox"/> e) 47 C.F.R. Section 73.215 with respect to station(s): [Exhibit 30] Exhibit required.	
17. Environmental Protection Act. The proposed facility is excluded from environmental processing under 47. C.F.R. Section 1.1306 (i.e., The facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Appendix A, an Exhibit is required. By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 31]
18. Community of License Change - Section 307(b). If the application is being submitted to change the facility's community of license, then the applicant certifies that it has attached an exhibit containing information demonstrating that the proposed community of license change constitutes a preferential arrangement of station assignments under Section 307(b) of the Communications Act of 1934, as amended (47 U.S.C. Section 307(b)). An exhibit is required unless this question is not applicable.	<input type="radio"/> Yes <input checked="" type="radio"/> No <input checked="" type="radio"/> N/A [Exhibit 32]
PREPARERS CERTIFICATION ON PAGE 3 MUST BE COMPLETED AND SIGNED.	

SECTION III - PREPARER'S CERTIFICATION

I certify that I have prepared Section III (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name JOHN BURRELL		Relationship to Applicant (e.g., Consulting Engineer) TECHNICAL CONSULTANT
Signature		Date 6/12/2008
Mailing Address STERLING COMMUNICATIONS, INC. 219 DODD ROAD		
City RINGGOLD	State or Country (if foreign address) GA	Zip Code 30736 -2958

Telephone Number (include area code)
7069652355

E-Mail Address (if available)
STERLING@CATT.COM

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Exhibits

Exhibit 5

Description: EXHIBIT 5

APPLICANT HAS NO OTHER BROADCAST INTERESTS

Attachment 5

Exhibit 23

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Attachment 23

Description
Petition for Rulemaking

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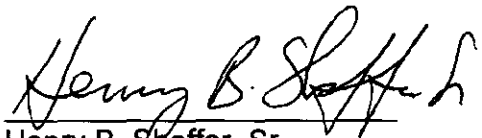
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Henry B. Shaffer, Sr.

PO Box 1236

Aiken, South Carolina 29802-1236

803-649-5600

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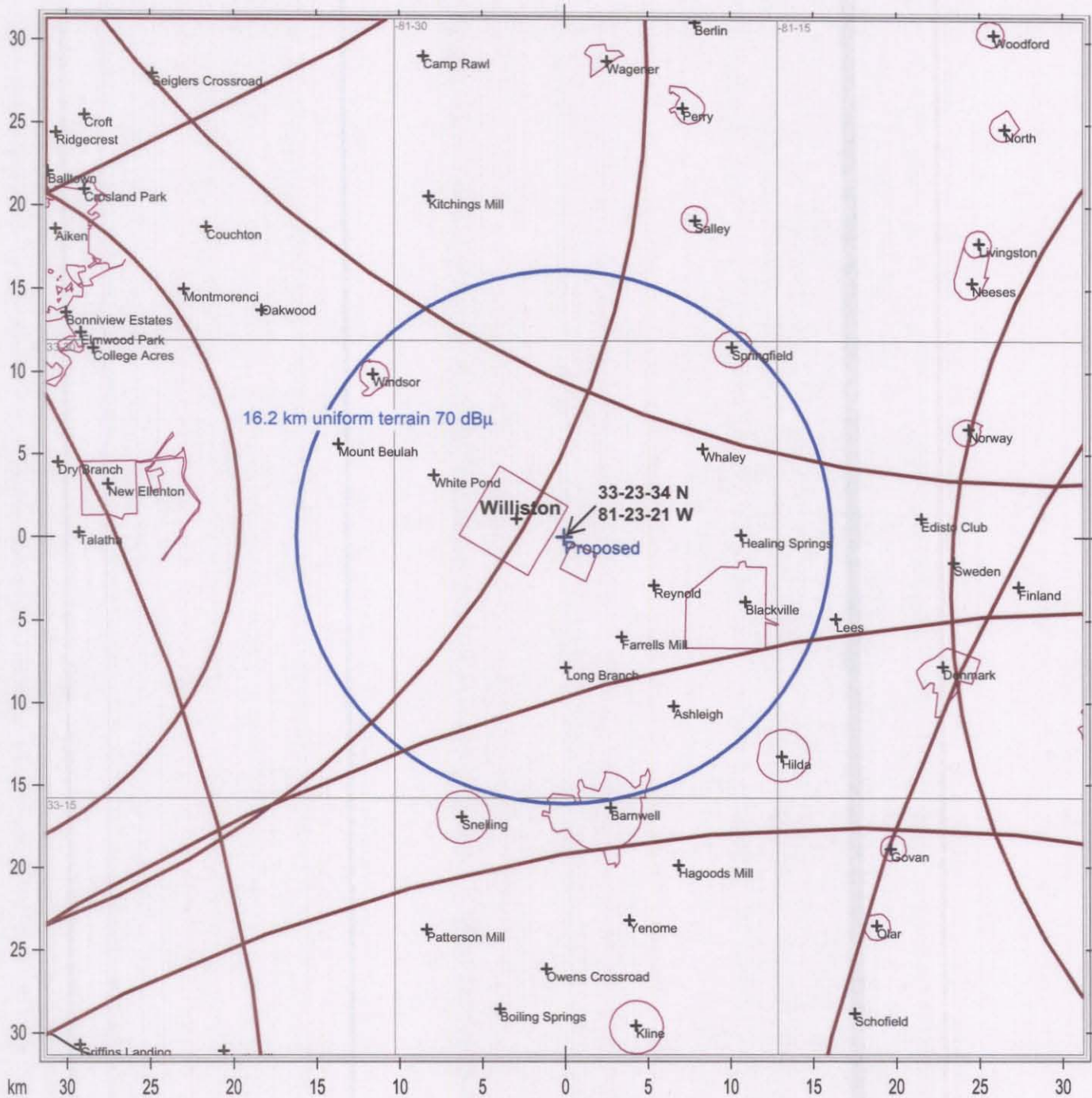


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Henry B. Shaffer, Sr.
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Williston, South Carolina

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© MMVIII Sterling Communications, Inc.

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Henry B. Shaffer
\$73.207 Separations
Williston, South Carolina

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WSSJ	RINCON	GA 261 C1	141.92	133.00	164.8	8.9
WXBTV	WEST COLUMBIA	SC 261 A	80.54	72.00	21.3	8.5
WSSJ	RINCON	GA 261 C2	124.71	106.00	171.6	18.7
WLJK	AIKEN	SC 206 C1	41.73	22.00	272.0	19.7
WORG	ELLOREE	SC 262 C3	65.64	42.00	92.8	23.6
WSNT-FM	SANDERSVILLE	GA 260 A	140.40	115.00	250.9	25.4
WXST	HOLLYWOOD	SC 259 C1	158.42	133.00	113.4	25.4
WKSF*	OLD FORT	NC 260 C	258.19	226.00	331.3	32.2
WKSF	OLD FORT	NC 260 C	258.19	226.00	331.3	32.2

Channel 260A 70 dBu Contour Coverage of Williston, South Carolina

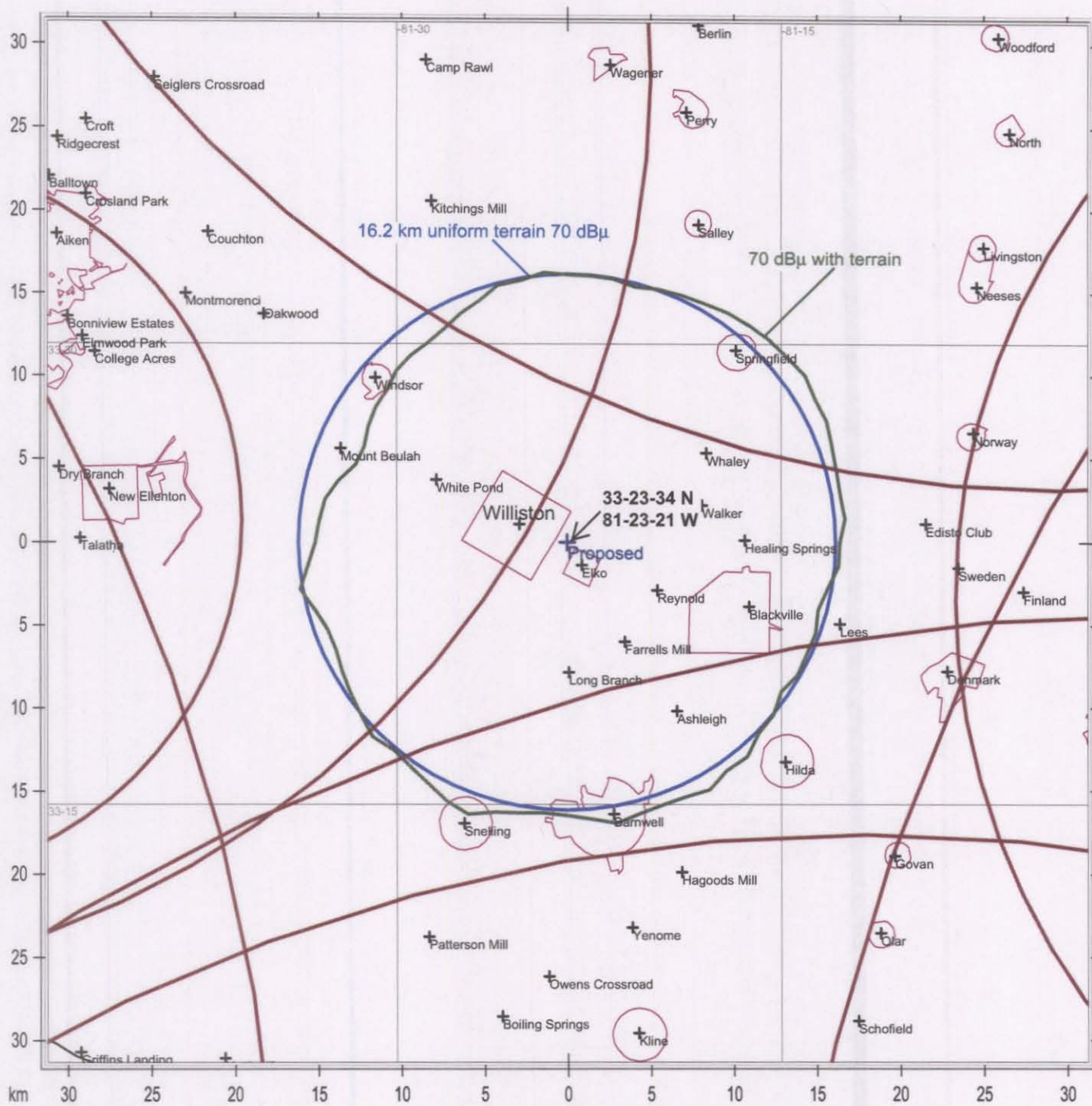


Exhibit 26 Figure 1
Henry B. Shaffer
Predicted 70 dBμ
Williston, South Carolina

State Borders City Borders Lat/Lon Grid